IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 898 OF 2007

BABASAHEB CHANDU HATEKAR ... PETITIONER

VERSUS

THE STATE OF MAHARASHTRA ... RESPONDENT

Mr. Rajiv Patil for the petitioner.

Mr. D.P.Adsule, APP, for Respondent - State.

CORAM: J.H.BHATIA,J.

DATE : 11th June, 2007

P.C.

1. Heard Mr. Rajiv Patil, learned Counsel for the petitioner and Mr. Adsule, learned APP, for the State.

2. The petitioner is an accused in Sessions Case No. 238 of 2006 pending before the 3rd Additional Sessions Judge, Pune, facing trial for the offence of murder of his wife. It appears that by Application, Exhibit 12, dated 14.2.2007, the petitioner made an application seeking direction to the prosecution to supply the medical papers of deceased Kavita since the time of her admission in the hospital till her demise. The Application came to be rejected on the ground that the prosecution is not in custody of the documents at

present and it is not known which papers will be produced by the witness.

2. After some discussion at the Bar, the learned Counsel for the petitiioner states that the petitioner will be satisfied if after such documents are produced and examination-in-chief of the medical officer is recorded, inspection of the said record is given to the petitioner's Counsel and if necessary, copies of the same be suplied for effective cross-examination. To this, Mr. Adsule has no objection.

3. In view of the above, if any medical officer is examined by the prosecution and such medical officer produces the record of the hospital, inspection of the same shall be given to the Counsel for the petitioner/accused and if he seeks copies of the same, the same be also supplied to him for effective cross-examination.

With these directions, the Petition stands disposed of.

(J.H.BHATIA,J.)